

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

KAREN SMILEY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ARIZONA BEVERAGES USA, LLC,

Defendant.

Civil Action No. 1:23-cv-01107-ELH

DEFENDANT'S MOTION TO DISMISS COMPLAINT AND/OR TO STAY ACTION

Defendant, Arizona Beverages USA, LLC ("Defendant"), by and through its counsel, respectfully moves this Court to dismiss or to stay this action, pursuant to the first-to-file rule and Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), for the reasons stated in the accompanying memorandum of law which is incorporated herein by reference.

PLEASE TAKE NOTICE that in addition to the accompanying memorandum of law, in support of the motion, Defendant shall also rely upon the declaration of counsel, Robert P. Donovan, submitted herewith, and the pleadings on file.

Respectfully submitted,

Dated: July 21, 2023

/s/ Charles E. Leasure III

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CERTIFICATE OF SERVICE

I hereby certify that on this 21th day of July, 2021, a true copy of the foregoing Motion to Dismiss Complaint and/or to Stay Action, accompanying memorandum of law and declaration of counsel in support were electronically served on:

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/s/ Charles E. Leasure III